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8 Capital One Bank, sued as Capital One
Mortgage

E-FILED - 8/9/07

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 CHERYL KELMAR,
13 Plaintiff,

14 vs.

15 CAPITAL ONE MORTGAGE,
16 Defendant.

Case No. C 07 1803 RMW PVT
Honorable Ronald M. Whyte

17 **STIPULATION OF SETTLEMENT**
18 **AND ORDER**

19 Date: June 29, 2007
20 Time: 9:00 a.m.
21 Place: Courtroom 6

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Defendant Capital One Bank, sued as Capital One Mortgage, and Plaintiff Cheryl Kelmar, stipulate as follows:

1. The parties have completely resolved all of Plaintiff's claims as alleged in the above-entitled action;

2. The parties shall memorialize the settlement terms in writing;

3. Plaintiff shall dismiss the above-entitled action with prejudice in its entirety; and

4. The parties shall not proceed with the Motion to Compel Arbitration hearing on August 10, 2007 at 9:00 a.m. or any other date due to settlement in its entirety of the above-entitled action;

5. The parties shall not proceed with the Case Management Conference on August 10, 2007 at 10:30 a.m. or any other date due to settlement in its entirety of the above-entitled action.

IT IS SO STIPULATED.

DATED: August 6, 2007


By


Cheryl Kelmar
Plaintiff

DATED: August 6, 2007

REED SMITH LLP

By


Kristine H. Chen
Attorneys for Defendant
Capital One Bank, sued as Capital
One Mortgage

1 IT IS SO ORDERED.

2 Date: August 9, 2007

3 Ronald M. Whyte
4 United States District Court Judge

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